



PATENT
Attorney Docket No. INL-052

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Xu *et al.*
SERIAL NUMBER: 09/871,885 GROUP NUMBER: 1753
FILING DATE: May 31, 2001 EXAMINER: Noguerola, Alexander
TITLE: ANALYTICAL INSTRUMENTS, BIOSENSORS AND
METHODS THEREOF

Terminal Disclaimer

I, James A. Clayton, Jr., state that I am a representative authorized to sign on behalf of Instrumentation Laboratory Company, identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 09/871,885. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of Instrumentation Laboratory Company.

Instrumentation Laboratory Company of 101 Hartwell Avenue, Lexington, MA 02421 is the assignee of the entire right, title and interest in and to the above-identified application, 09/871,885, by virtue of the Assignment signed by the inventors in June, 2001, and recorded in the U.S. Patent and Trademark Office on August 31, 2001 at Reel No. 012127 and Frame No. 0817. The copy of the Notice of Recordation of Assignment and related papers are attached hereto.

Instrumentation Laboratory Company hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term (which may be longer than seventeen (17) years) of U.S. Patent No. 6,652,720, issued November 25, 2003, and hereby agrees that any patent so granted on U.S. Serial No. 09/871,885 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,652,720, issued November 25, 2003, this agreement to run with any patent granted on the U.S. Serial No. 09/871,885 and to be binding upon the Assignee, its successors or assigns.

Instrumentation Laboratory Company does not disclaim any terminal part of the term of patent granted on the above-identified application U.S. Serial No. 09/871,885 prior to the expiration date of the full statutory term of U.S. Patent No. 6,652,720, issued November 25, 2003, in the event that U.S. Patent No. 6,652,720 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INSTRUMENTATION LABORATORY
COMPANY

By James A. Clayton, Jr.

Name James A. Clayton, Jr.

Title Vice President of Human Resources

Date MAY 28, 2004